

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION

Joanna Burke)	CIVIL ACTION No.
)	4:24-cv-00897
Plaintiff)	
)	
vs.)	
)	
Deutsche Bank National Trust Company, PHH)	
Mortgage Corporation, AVT Title Services,)	
LLC, Mackie Wolf Zientz & Mann, PC, Judge)	
Tami Craft aka Judge Tamika Craft-Demming,)	
Judge Elaine Palmer, Sashagaye Prince, Mark D)	
Hopkins, Shelley L Hopkins, Hopkins Law,)	
PLLC, John Doe, and/or Jane Doe)	
)	
)	
Defendants)	
)	

United States Courts
Southern District of Texas
FILED

NOV 15 2024

Nathan Ochsner, Clerk of Court

**MOTION FOR LEAVE TO SUPPLEMENT PLAINTIFF'S RESPONSE TO PHH
MORTGAGE CORPORATION'S MOTION FOR SUMMARY JUDGMENT**

TO THE HONORABLE JUDGE, AND ALL INTERESTED PARTIES:

Plaintiff, appearing pro se, respectfully submits this motion for leave to file a verified supplement to Plaintiff's response to Defendant PHH Mortgage Corporation's Motion for Summary Judgment. Although Plaintiff is uncertain whether a formal motion is necessary, Defendant's motion presents a significant procedural deficiency that Plaintiff wishes to address. Specifically, Defendant's motion exceeds the local rule's 5,000-word limit by 147%, totaling 7,330 words, in violation of federal and local court rules. As of this date, the Court has not stricken the motion despite this violation.

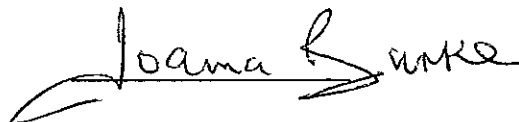
See Court Procedures, Hon. Charles R. Eskridge III, at 18c; *Cole v. Sandel Med. Ind., L.L.C.*, 413 F. App'x 683, 688 (5th Cir. 2011) ("On March 31, the district court struck Sandel's motion for summary judgment for failure to comply with the local rule limiting such filings to ten pages."); *Whatley v. CreditWatch Servs., Ltd.*, No. 4:11CV493, at *1 (E.D. Tex. July 13, 2012) ("Plaintiff has also filed a motion seeking leave to file a summary judgment response in excess of the page limits."). In this case, Defendant has filed no such motion seeking leave to exceed the page limit.

Erring on the side of caution and in full compliance with local rules and court procedures, Plaintiff seeks leave from this Court to file the attached verified supplement. The supplement is necessary to address the omission of the "How" element in Count IV, Fraud (Doc. 35, Oct. 7, 2024), as identified in the Defendants' motion for summary judgment (Doc. 27, Aug. 5, 2024).

CONCLUSION

For the reasons set forth above, Plaintiff respectfully requests that the Court grant leave to file the attached verified supplement. Additionally, to the extent the Court maintains jurisdiction in these proceedings, Plaintiff further requests that the Court DENY Defendant's Motion for Summary Judgment. A proposed order is enclosed.

RESPECTFULLY submitted this 11th day of November, 2024.

A handwritten signature in black ink that reads "Joanna Burke". The signature is written in a cursive style with a long horizontal stroke extending to the left.

Joanna Burke, Harris County
State of Texas / Pro Se

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CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1, I attest to conferring by emailing counsel for all the parties in these proceedings on Sunday, Nov. 10, 2024. At the time of preparing for print and posting on Monday, November 11, 2024, no response has been received. It is assumed that Defendants are opposed.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on November 11, 2024 as stated below on the following:

VIA U.S. Mail:

Nathan Ochsner
Clerk of Court
P. O. Box 61010
Houston, TX 77208

VIA e-Mail:

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PHH MORTGAGE CORPORATION

A handwritten signature in cursive script, reading "Joanna Burke", is written over a horizontal line.

Joanna Burke, Harris County
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